

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

THOMAS DAVIS,)	
)	
Plaintiff,)	Civil Action No. 18-450
)	Judge Donetta Ambrose/
v.)	Chief Magistrate Judge Maureen P. Kelly
)	
THE COUNTY OF ALLEGHENY, OFFICE)	
OF DISTRICT ATTORNEY, and OFFICE OF)	Re: ECF No. 1
PUBLIC DEFENDER,)	
)	
Defendants.)	

ORDER

Thomas Davis ("Plaintiff") is currently incarcerated in the State Correctional Institution at Mercer ("SCI-Mercer"). Plaintiff sought leave to proceed in forma pauperis in order to file a civil rights complaint in this Court.

The case was referred to Chief Magistrate Judge Maureen Kelly in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Local Civil Rules 72.C and D.

Chief Magistrate Judge Kelly's Report and Recommendation (the "Report"), ECF No. 2, filed on April 19, 2018, recommended that pursuant to the Prison Litigation Reform Act, the IFP Motion be denied because Plaintiff has "three strikes" and the Complaint does not reveal the requisite danger of serious physical injury. Plaintiff was informed that he could file Objections to the Report by May 7, 2018. Plaintiff filed Objections on May 1, 2018. ECF No. 3. Nothing in those Objections merits rejection of the Report and Recommendation.

In fact, the Objections confirm the Report's conclusion that Plaintiff is not in imminent danger of serious physical injury. Plaintiff conceded in an exhibit to his Objections that his "problem is based upon the March 2, 1990, exoneration cover-up by Allegheny County court officials the past twenty nine and half (29 ½) years." ECF No. 3-1 ¶ 10. The Report correctly

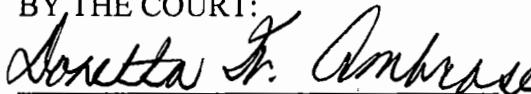
noted that “[i]f he has been continually subjected to the conditions that he complained about in 2009 [which were the conditions that he complained of in Davis v. County of Allegheny, Civ.A. No. 09-415 (W.D. Pa.) and which he complains about again in the case at bar], until the present, it is quite apparent, that not only has Plaintiff failed to show that he is in imminent danger, Plaintiff fails to demonstrate any danger of serious physical injury at all that can be redressed by the proposed Complaint. Accordingly, Plaintiff fails to carry his burden to show that he comes within the imminent danger exception to the three strikes rule.” ECF No. 2 at 5.

Accordingly, after de novo review of the pleadings and the documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 8th day of May 2018;

IT IS HEREBY ORDERED that the Motion for Leave to Proceed In Forma Pauperis is DENIED. Plaintiff is ORDERED to pay the entire filing fee of \$400.00 by June 1, 2018. Failure to pay the entire filing fee by June 1, 2018 will result in the dismissal of this civil action for failure to prosecute without further warning.

BY THE COURT:



DONETTA W. AMBROSE
UNITED STATES DISTRICT JUDGE

cc: The Honorable Maureen P. Kelly
Chief United States Magistrate Judge

THOMAS DAVIS
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